APPENDICES.

APPENDIX I.—Statutory provisions.

APPENDIX II.—Excerpts (translations) from Journals of Philippine Senate and House of Representatives, concerning amendment to Section 206 of Revised Administrative Code, by Act 2768, adding the proviso for transfers of justices of the peace from one municipality to another.

APPENDIX III.—Order of Mr. Justice Van Devanter extending time to file petition for certiorari.

APPENDIX I.

STATUTORY PROVISIONS

UNITED STATES:

The Organic Act for the Philippine Islands ("Jones Law", Act of August 29, 1916, c. 416, 39 Stat. 545), provides:

> Sec. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by Act of Congress of the United States.
>
> Sec. 7. That the legislative authority herein provided shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law civil or criminal, continued in force by this Act as it may from time to time see fit. * * * *
>
> Sec. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this Act.
>
> Sec. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature * * * * * * designated "The Philippine Legislature."
>
> Sec. 18. * * * * * Both houses shall convene at the capital * * * * and organize by the election of a speaker or a presiding officer, a clerk and a sergeant at arms for each house, and such other officers and assistants as may be required. * * * *
>
> Sec. 20. That * * * * there shall be chosen by the legislature two Resident Commissioners to the United States, * * * *
>
> Sec. 21. That the supreme executive power shall be vested in * * * * "The Governor General of the Philippine Islands." * * * * He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this Act to appoint, or whom he may hereafter be authorized by law to appoint; * * * * He shall have general supervision and control of all the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of

this Act, * * *. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, * * *.

Sec. 22. * * * * *Provided*, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. * * *

Sec. 26. * * * * The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; * * *

Section 9 of the Act "Temporarily to provide for the administration of the affairs of civil government in the Philippine Islands" (Act of July 1, 1902, c. 1369, 32 Stat. 691, 695), provided:

The municipal courts of said Islands shall possess and exercise jurisdiction as heretofore provided by the Philippine Commission, subject in all matters to such alteration and amendment as may be hereafter enacted by law.

PHILIPPINES.

The Philippine Administrative Code of 1916 (Act No. 2657 of February 24, 1916, effective July 1, 1916), in force at the time of the enactment of the present Organic Act, provided:

Sec. 235. *Appointment and distribution of justices of peace.*—One justice of the peace and one auxiliary justice of the peace shall be appointed by the Governor General for the city of Manila, the city of Baguio, and for each municipality, township, and municipal district in the Philippine Islands.

Sec. 238. *Tenure of office.*—A justice of the peace having the requisite legal qualifications shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of some other justice.

The Revised Administrative Code of 1917 (Act No. 2711, approved March 10, 1917), adopted by the Philippine Legislature at its session next following the approval of the present Organic Act, replaced this section by Section 203 of the Re-

vised Code, so changed in accordance with the provision of Section 21 of the new Organic Act, *supra*, as to require the consent of the Philippine Senate to the appointment; and contemplating that no justices of the peace were thereafter to be appointed for the City of Manila for which a "Municipal Court" was created by Section 2466. The provision was thus made to read:

> Sec. 203. *Appointment and distribution of justices of the peace.*—One justice of the peace and one auxiliary justice of the peace shall be appointed by the Governor General with the advice and consent of the Philippine Senate for the City of Baguio, and for each municipality, township, and municipal district in the Philippine Islands. * * * * [1].

Section 238 of the 1916 Code, *supra*, providing for the tenure of office of justices of the peace, was reenacted without change as Section 206 of the 1917 Code; but, afterwards, by Act No. 2768, approved March 5, 1918, it was amended by adding to it the proviso now in question in this suit, and its title was also correspondingly changed, so that the section now reads (*and so read on* February 14, 1920, *when respondent Nicolas was originally appointed a justice of the peace*):

> Sec. 206. *Tenure of office—Transfer from one municipality to another.*—A justice of the peace having the requisite legal qualifications shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of some other justice: *Provided*, THAT IN CASE THE PUBLIC INTEREST REQUIRES IT, A JUSTICE OF THE PEACE OF ONE MUNICIPALITY MAY BE TRANSFERRED TO ANOTHER.

Other pertinent provisions of the Code (Revised Administrative Code of 1917) in force when respondent Nicolas was appointed a justice of the peace and still in force, are:

> Sec. 220. *Salaries of justices of peace.*—Except as provided in the next succeeding section, justices of the peace shall receive the following salaries per annum:
>
> (*a*) In municipalities of the first class, * * * ;
> (*b*) In municipalities of the second class, * * * ;
> (*c*) In municipalities of the third class, * * * ;
> (*d*) In municipalities of the fourth class and other places not specially provided for by law, * * * .

[1] Here follow, in Section 203 and in the following Section 204, provisions for the extension of the local jurisdiction of justices of the peace, and for the change and merger of such jurisdictions.

"Sec. 221. *Salaries of the judges of the Municipal Court of Manila and of the justice of the peace in provincial capitals.*—The salary of each of the Judges of the Municipal Court of Manila shall be * * *.

The annual salaries of the justices of the peace of the capitals of the following provinces shall be as follows: * * * * *.[1]

Sec. 222. *Payment of salaries of justices of peace.*—In order to facilitate the payment of salaries of justices of the peace in the provinces, the treasurer of the respective political division concerned shall advance the same monthly out of any proper available funds in his possession and such advances shall be reimbursed monthly from the Insular appropriation.

Sec. 228. *Supervision of judges of first instance over justices of peace—Annual report of justice.*—The judge of the Court of First Instance shall at all times exercise a supervision over the justices of the peace within his district, and shall keep himself informed of the manner in which they perform their duties. * * *

The justice of the peace shall, during the first five days of the fiscal year, forward to said judge of the district a report concerning the business done in his court for the previous year, upon forms to be prescribed by the Attorney General.

Sec. 229. *Suspension and removal.*—If at any time the judge of first instance has reason to believe that a justice of the peace is not performing his duties properly, or if complaints are made which, if true, would indicate that the justice is unfit for the office, he shall make such investigation of the same as the circumstances may seem to him to warrant, and may, for good cause, reprimand the justice, or may recommend to the Governor General his removal from office, or his removal and disqualification from holding office and may suspend him from office pending action by the Governor General. The Governor General may, upon such recommendation or on his own motion, remove from office any justice of the peace or auxiliary justice of the peace.

[1] The amounts of certain of the salaries were increased by Act No. 3107, March 17, 1923, and Act No. 3310, December 2, 1926.

APPENDIX II.

TRANSLATIONS OF PROCEEDINGS OF THE PHILIPPINE SENATE AND HOUSE OF REPRESENTATIVES CONCERNING SENATE BILL NO. 163 WHICH BECAME ACT NO. 2768, APPROVED MARCH 5, 1918, TO AMEND SECTION 206 OF THE REVISED ADMINISTRATIVE CODE OF 1917.

I

SENATE PROCEEDINGS FEBRUARY 8, 1918. (Vol. II, "Diario de Sesiones del Senado de Filipinas," pp. 592–593).

SENATOR SISON: Mr. President, I ask the unanimous consent of the Senate for consideration at to-day's session of Senate Bill No. 163.

THE PRESIDENT: Is there objection?

(There being no objection.) The chair hears none. Let the bill be read.

CONSIDERATION OF SENATE BILL NO. 163

THE CLERK, reading: An Act to amend Article 206 of Act No. 2711 known as the "Administrative Code."

The Senate and House of Representatives of the Philippines in Legislature assembled, and by authority of the same, enact:

Section 1. That Section 206 of Act No. 2711 known as the "Administrative Code" be and the same is hereby amended so that the said section shall read as follows:

"Sec. 206. A justice of the peace having the requisite qualifications shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of some other justice of the peace: *Provided*, That a justice of the peace of one municipality may be transferred to another when the government deems it wise."

Sec. 2. This Act shall take effect upon approval.

THE PRESIDENT: The committee has the floor.

Oral statement by Senator Sison.

SENATOR SISON: Mr. President, the purpose of the present bill is to amend Section 206 of Act No. 2711, known as the

Administrative Code. The amendment consists of the following provision:

> "Provided, That a justice of the peace of one municipality may be transferred to another when the government deems it wise."

I believe, Mr. President, that there is no need to enter into the reasons at the present time and to explain before this body the wisdom of the adoption of this *proviso*, and therefore I ask that the bill be passed.

AMENDMENT OF SENATOR RODRIGUEZ: APPROVED

SENATOR RODRIGUEZ: Mr. President, I offer an amendment to the final proviso, or rather, that after the word "wise" ("*conveniente*") I would strike out the period and put a comma in its place, and insert the following by way of continuation:

> **"*Provided further*, That his appointment by virtue of the transfer be confirmed by the Senate."**

THE PRESIDENT: What does the committee say?

SENATOR SISON: The committee accepts the amendment, Mr. President.

THE PRESIDENT: Is there any objection on the part of the Senate? (There was no objection.) The chair hears none. The amendment is adopted.

SENATOR SISON: Mr. President, I ask a vote upon the bill as amended.

THE PRESIDENT: The question is upon the bill as amended. Those in favor say *Aye*. (Various senators: "Aye".) Those opposed, *No*. (Silence.) The bill will be read on the third reading.

APPROVAL ON THIRD READING OF SENATE BILL 163

THE CLERK, reading: An Act to Amend Section 206 of Act No. 2711, known as the "Administrative Code."

SENATOR SISON: Mr. President, I ask that the reading of the body of the bill be dispensed with.

THE PRESIDENT: Is there objection? (There was no objection.) The chair hears none. The reading of the body

of the bill is dispensed with. The question is now upon the bill on third reading. Those in favor of the bill as amended say *Aye*. (Various senators: "Aye".) Those opposed, *No*. (Silence.) The bill is passed.

II

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES, SESSION OF FEBRUARY 8, 1918. (Vol. XIII, "Diario de Sesiones y Actas," House of Representatives, Philippine Legislature, pp. 553-554.)

THE PRESIDENT: The House calendar. Senate Bill No. 163 will be read.

TRANSFER OF A JUSTICE OF THE PEACE FROM ONE MUNICIPALITY TO ANOTHER

THE CLERK, reading:

Senate Bill No. 163 (offered by Senator Clarín). An Act to amend Section 206 of Act No. 2711, known as the "Administrative Code."

"Sec. 206. A justice of the peace having the requisite qualifications shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of some other justice of the peace: *Provided*, That a justice of the peace of one municipality may be transferred to another when the government deems it wise: *Provided further*, That his appointment by virtue of the transfer be confirmed by the Senate.

"Passed.

"I certify that the foregoing bill (Senate No. 163, 4th L. F.), was passed by the Senate the 8th of February, 1918. (*Signed*) F. Ma. Guerrero, Secretary of the Senate."

The following [Committee] amendments to the bill are offered:

1. Substitute for the first section of the bill the following:

"Section 1. Section 206 of Act No. 2711, entitled 'An Act to Revise the Administrative Code' is hereby amended so as to read as follows:

"Sec. 206. A justice of the peace, having the requisite legal qualifications, shall hold office during good behavior unless his office be lawfully abolished or merged in the jurisdiction of another justice of the peace: *Provided*, That in case the public interest requires it, a justice of the peace of one municipality may be transferred to another.'"

2. Change the title so as to read as follows: "An Act to Amend Section 206 of Act No. 2711, entitled 'An Act to Revise the Administrative Code,' so as to authorize the transfer of justices of the peace from one municipality to another."

THE PRESIDENT: The committee has the floor.

MR. GENEROSO: If there is no objection on the part of the House, I ask that the bill be passed with the amendments proposed by the committee.

THE PRESIDENT: The question is upon the committee amendments. Are there any objections to the amendments? (There was no objection.) The chair hears none. Adopted. Shall the bill be passed to third reading?

THE HOUSE: Yes.

THE PRESIDENT: The title of the bill will be read.

THE CLERK, reading: An Act to Amend Section 206 of Act No. 2711, entitled "An Act to Revise the Administrative Code," so as to authorize the transfer of justices of the peace from one municipality to another.

PASSAGE OF SENATE BILL NO. 163

THE PRESIDENT: Those in favor of the bill as it has been amended, say *Aye*.

THE HOUSE: "Aye."

THE PRESIDENT: Contrary, *No*. (Silence.) Adopted.

III

SENATE PROCEEDINGS, FEBRUARY 8, 1918. (Vol. II, "Diario de Sesiones del Senado de Filipinas," p. *66*.)

SENATOR SISON: Mr. President.

THE PRESIDENT: The Senator from the Second District has the floor.

ACCEPTANCE OF HOUSE OF REPRESENTATIVES AMENDMENTS TO SENATE BILL NO. 163

SENATOR SISON: I ask immediate consideration of the amendments made by the House of Representatives to Senate Bill 163.

THE PRESIDENT: Is there any objection? (Silence.) The chair hears none.

The consideration of the House of Representatives amendments to Senate Bill No. 163 is in order.

SENATOR SISON: I move that the amendments be accepted, Mr. President.

THE PRESIDENT: If there is no objection, it is in order to vote upon the amendments.

Those who approve the acceptance of the amendments, please say *Aye*. (Various senators: "Aye".) Those not disposed to accept them, please say *No*. (Silence.) Adopted.

APPENDIX III

SUPREME COURT OF THE UNITED STATES.
October Term, 1928. No.

Severino Alberto, Petitioner,

vs.

Bonifacio Nicholas, Respondent.

On consideration of the motion of counsel for petitioner in the above entitled cause, and good cause therefor having been shown,

IT IS NOW HERE ORDERED that the time within which petition for writ of certiorari may be filed herein be, and the same is hereby, extended for a period of forty days from this date.

(*Signed*) WILLIS VAN DEVANTER,
Associate Justice of the Supreme Court of the United States.

Dated this 7th
day of July, 1928.